

## ZONING ADMINISTRATOR NOTICE OF DECISION

Date: November 18, 2013  
Applicant: Direct Health Medical Center Inc.  
Case No.: PCC-13-032/San Diego Spine and Rehabilitation  
Address: 816 Paseo Del Rey, Chula Vista, Ca.  
A.P.N.: 640-292-46  
Project Manager: Jeff Steichen, Associate Planner

Notice is hereby given that on November 18, 2013 the Zoning Administrator considered Conditional Use Permit Application PCC-13-032 filed by Direct Health Medical Center Inc. ("Applicant"), at 816 Paseo del Rey, Chula Vista, Ca. ("Project Site"). The Project Site is within the Commercial (C1) Land Use District of the Rancho Del Rey SPA 1 and is designated as Retail Commercial (CR) within the City of Chula Vista's General Plan. Pursuant to Section IX-B.1(18) of the Rancho del Rey SPA 1 medical offices are permitted upon approval of a Conditional Use Permit. The project is more specifically described as follows:

The Applicant requests approval of a Conditional Use Permit to operate a physical therapy, massage therapy and chiropractic care facility within a 12,800 square feet tenant space in an existing commercial shopping center. ("Project"). The business will operate Monday-Friday from 8:00 a.m. to 7:00 p.m.

Pursuant to Section X111.2(8) of the Rancho del Rey SPA 1 PC District Regulations, medical office uses require 1 space per 200 square feet. resulting in a total of 64 parking spaces required for the project. A total of 264 parking spaces are available in the entire shopping center. A parking analysis was conducted which indicates that the required 64 parking spaces can be accommodated based upon other existing uses within the center.

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code, has been able to make the following Conditional Use Permit findings as required by CVMC Section 19.14.080:

***That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.***

This finding is met because the approval of this project will enable the applicant to use the project site to provide a physical therapy, massage therapy and a chiropractic care

facility that would provide a convenient and desirable use for citizens residing in Chula Vista and specifically in the Rancho del Rey Community.

***That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.***

The operation of the physical therapy, massage therapy and chiropractic care facility has been designed and conditioned to avoid potential health, safety and noise impacts to nearby residents and businesses. Based upon a parking analysis conducted for the existing shopping center, there is adequate parking available to provide for the required 64 parking spaces for the proposed use. Conditions of approval addressing hours of operation and parking will reduce any potential negative impacts to the adjacent residential area. The granting of the conditional use permit enables the City to protect the character and quality of life for the area residents in the least restrictive manner.

***That the proposed use will comply with the regulations and conditions specified in the code for such use.***

The physical therapy, massage therapy and chiropractic care facility is located in an area zoned C1 (Commercial) and is designated as a medical facility in that zone, and thus requires approval of a Conditional Use Permit by the Zoning Administrator. This finding is met because the granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Rancho del Rey SPA1 Plan, City of Chula Vista Municipal Code (CVMC), and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the CVMC for uses established under PCC-13-032.

***That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.***

The General Plan designates the site as Retail Commercial (CR). Medical facilities, including the type proposed, are permitted in the C1 (Commercial) zone, upon approval of a Conditional Use Permit. The proposed Project has been conditioned to minimize all potential adverse impacts to the site and surrounding area. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the CVMC, is consistent with the Commercial (C1) permitted land uses and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approve Conditional Use Permit PCC-13-032 as described above subject to the following conditions:

The following conditions shall apply to the Project Site, and the Applicant or successor-in-interest shall satisfy these conditions prior to issuance of the first building permit for the project, or at the timeframe specified in the condition. Upon completion, the Applicant shall remain in compliance with the conditions as long as the Project relies upon this approval:

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-13-032 approved plans, as amended herein, which include site plans and floor plans on file in the Planning Division, the conditions contained herein, and the Rancho del Rey SPA 1 Plan and Title 19.
2. The Property Owner and Applicant or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Date

3. The Applicant shall apply for and obtain a sign permit for any required site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60.

LAND DEVELOPMENT

4. The Applicant shall be required to pay of the following fees which may be adjusted based upon the final Building Plans Submitted:
  - a. Sewer Capacity Fee
  - b. Traffic Signal Fee
  - c. Sewer Basin DIF
  - d. Other Engineering Fees per the Master Fee Schedule

BUILDING DIVISION

5. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to the 2010 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2010 Fire Code, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, and 2008 California Energy Code, as adopted and amended by the State of California and City of Chula Vista. Permits must also comply with the 2010 Edition of the California Green Building.
6. Applicant shall be required to obtain a Certificate of Occupancy prior to occupancy of the suite.

FIRE DEPARTMENT

7. Buildings shall be provided with Knox appliances as follows:
  - Provide a Knox Vault at the main entrance to the building
  - Provide a Knox Box at the Fire Control Room
8. The building shall be addressed in accordance with the following criteria:
  - 0-50ft from the building to the face of curb=6-inches in height with a 1-inch stroke
  - 51-150ft from the building to the face of the curb= 10-inches in height with a 1 2/2-inch stroke
  - 151ft from the building to the face of curb = 16-inches in height with a 2-inch stroke.
9. Modifications to the fire sprinkler system and fire alarm system will be necessary; a deferred submittal is required to be submitted to the Fire Department for approval prior to any modifications. The deferred submittal shall be submitted after a building permit is approved.


Upon certification by the Development Services Department for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

10. The hours of operation shall be as follows: Monday-Friday from 8:00 a.m. to 7:00 p.m.
11. Operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
12. If a formal complaint regarding failure to comply with any conditions of approval of this Conditional Use Permit is received by the Director of Development Services, or if the Director determines that a failure to comply with conditions of approval this Conditional Use Permit has occurred, then the Director has the discretion to initiate an investigation which may include requesting the applicant to submit plans, technical studies such as acoustical studies, or other information deemed necessary to review the current Conditional Use Permit. After review, the Director has the discretion to maintain the existing Conditional Use Permit, modify the Conditional Use Permit, or revoke the Conditional Use Permit, pursuant to the requirements of CVMC Section 19.14.270.
13. The number of parking spaces available for exclusive use by the applicant shall not drop below the minimum code requirement of 64 spaces.
14. This Conditional Use Permit authorizes only the use specified in the application for PCC-13-032. Any requested expansion or modification of existing use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.
15. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code.
16. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
17. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members,

officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.

18. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 18th day of November, 2013.

  
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Mary Ladiana  
Zoning Administrator